

Application Serial No. 09/764,630
Response dated May 10, 2005
Reply to Notice of Non-Compliant Amendment dated April 18, 2005

REMARKS

The Legal Instruments Examiner has issued a Notice of Non-Compliant Amendment dated April 18, 2005, under 37 CFR 1.121, particularly stating that the amendments to the claims must be resubmitted in that each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. In particular, the Examiner notes that amended claims have been described as "Presently Amended," whereas the Examiner states they should be listed as "Currently Amended." Further, the Examiner notes that claims listed as "Previously Added" should have been identified as "Previously Presented."

Applicants assert that in the original response filed April 13, 2005, the identifiers included therein provided the status of each claim such that the individual status of each claim could be identified, in accordance with the spirit of 37 CFR 1.121. Thus, Applicants submit that the amendment filed on April 13, 2005 was a compliant response to the Office Action dated January 13, 2005. However, while Applicants submit that the Notice is in error, for the sole purpose of expediting prosecution, Applicants submit herewith an "Amendments to the Claims" section of the response with the status identifiers revised, as suggested by the Legal Instruments Examiner.

Conclusion

It is believed that no fee is due. If, however, any additional fees or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

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The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

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